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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/765,424
Filing Date: January 27, 2004
Appellant(s): BEAVEN ET AL.

MAILED

DEC 12 2007

GROUP 3600

Gordon E. Nelson
Reg. No. 30, 093
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed September 17, 2007 appealing from the Office action mailed May 14, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

Application No. 09/312,740, *Processing Management Information*, filed May 14, 1999. Notice of Appeal and a Pre-Appeal Brief Request for Review was submitted on August 20, 2007 for this application.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,157,915

Bhaskaran et al.

8-1998

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Objections

1. Claim 43 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 43 appears to be dependant on claim 37. As a dependant claim of claim 37, claim 43 should be a system claim. However, it appears that claim 43 is attempting to switch statutory classes, rendering claim 43 as an improper dependant claim.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 4-10 and 37-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhaskaran et al. (U.S. Patent No. 6157915).

As per claim 4, Bhaskaran teaches:

The system set forth in claim 37, wherein:

The model further includes representations of further information (see column 5 lines 25-40; where the model includes documents that contain further information.); and

The interface permits the person to access the further information (see column 6 lines 24-45; where access control for each of the entities is set such that the entities can access and provide information for their relevant role.).

As per claim 5, Bhaskaran teaches:

The system set forth in claim 4 wherein:

The interface further permits the collaborator to modify the further information (see column 5 lines 50-67 and column 6 lines 1-45; where access to the model entity are set forth through the graphical user interface. The collaborator with the proper permissions can add, change, or modify the business scenarios.)

As per claims 6-10, Bhaskaran does not expressly teach the specific data of "a document", "a message", "an alert", "a reminder", or "a discussion"; however, these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); *MPEP* § 2106.

As per claim 37, Bhaskaran teaches:

A system for supporting management of a collaborative activity by persons involved therein, the persons not being specialists in information technology and the system comprising:

A representation of a model of the collaborative activity (see column 3 lines 42-59 and figure 1; where a model for a collaborative activity is disclosed. The activity in this example is the supply chain for computer storage products.), the model of the collaborative activity including model entities that are organized into hierarchies and provide access to information concerning the collaborative activity (see column 3 lines 42-59 and figure 1; where the model entities are organized in a hierarchical model in order to coordinate the workflow between the entities.),

The model entities having types including:

A goal model entity type, model entities of the type representing goals and/or projects of the collaborative activity (see column 3 lines 60-67, column 4 lines 14-29, and figures 1 and 5; where the goal entity is the distributor. All other entities on this model promote work until it reaches the goal entity the distributor.) and

An initiative model entity type, model entities of the type serving to relate goal model entities across the model (see column 3 lines 60-67, column 4 lines 14-29, and figures 1 and 5; where sub-assemblers and final assemblers are initiative model entity types that feed final products to the goal entity the distributors.), and

The hierarchies including

A goal hierarchy whose members include at least one goal model entity, a given goal model entity belonging to only a single goal hierarchy (see column 3 lines 60-67, column 4 lines 14-29, and figures 1 and 5; where the goal entity is the distributor. All other entities on this model promote work until it reaches the goal entity the distributor.) and

An initiative hierarchy whose members include at least one initiative model entity, each initiative model entity being capable of having as children one or more initiative model entities and/or one or more goal model entities from one or more of the goal hierarchies (see column 3 lines 60-67, column 4 lines 14-29, and figures 1 and 5; where sub-assemblers and final assemblers are initiative model entity types that feed final products to the goal entity the distributors. Final assemblers have children entities, such as the sub-assembler entities.); and

A graphical user interface for the system which the processor provides to the persons, the graphical user interface permitting a person of the persons to perform operations on a model entity including creating, modifying, and/or deleting the model entity, assigning the model entity to a parent in the hierarchy, accessing and/or modifying the information concerning the collaborative activity via the model entity, and viewing model entities in a hierarchy of the hierarchies to which the model entities belong (see column 5 lines 10-49, column 6 lines 7-45, and figures 2-4; where a user interface is provided to users of the system. Users with the necessary permissions can create, modify, or delete business scenarios. In this case, a business scenario is the same as creating, modifying, or deleting a model entity

included in the business scenario. When creating a business scenario, the user can assign parent and child entities to the scenario.).

Bhaskaran fails to explicitly teach "the representation being accessible to a processor". Examiner takes Official Notice that it is old and well-known in the art to submit a model to be executed by a processor. The advantage of submitting a model to a processor is that it expedites the processing of the model. It would have been obvious, to one of ordinary skill in the art, to submit a model to a processor in order to expedite the processing of the model, which is a goal of Bhaskaran (see column 1 lines 33-39).

As per claim 38, Bhaskaran teaches:

The system for supporting management of a collaborative activity set forth in claim 37 wherein:

The model entity types further include a domain model entity type, model entities of the type serving to relate goal hierarchies across the model (see column 3 lines 60-67, column 4 lines 14-29, and figures 1 and 5; where sub-assemblers and final assemblers are domain model entity types that feed final products to the goal entity the distributors.); and

The hierarchies further include a domain hierarchy whose members include at least one domain model entity, each in domain model entity being capable of having as children one or more domain model entities and/or one or more goal hierarchies (see column 3 lines 60-67, column 4 lines 14-29, and figures 1 and 5; where sub-assemblers and final assemblers are domain model entity types that feed final

products to the goal entity the distributors. Final assemblers have children entities, such as the sub-assembler entities.).

As per claim 39, Bhaskaran teaches a graphical user interface displaying entities of the hierarchy (see column 5 lines 10-49, column 6 lines 7-45, and figures 2-4; where a user interface is provided to users of the system. Users with the necessary permissions can create, modify, or delete business scenarios. In this case, a business scenario is the same as creating, modifying, or deleting a model entity included in the business scenario. When creating a business scenario, the user can assign parent and child entities to the scenario.). However, Bhaskaran does not expressly disclose wherein “a simultaneously visible second part in which a model entity selected by the user from the hierarchy is viewed”. However, a second visible part which shows specific detailed information from the first visible part is old and well known in the art. The “a simultaneously visible second part in which a model entity selected by the user from the hierarchy is viewed” is mere design choice and does not affect the underlying functionality associated with the system. See MPEP §2144.04, IV, section B. The advantage of this feature is that it increases a user’s efficiency in using the system by providing general and specific information simultaneously. It would have been obvious, at the time of the invention, to one of ordinary skill in the art to incorporate the feature of “a simultaneously visible second part in which a model entity selected by the user from the hierarchy is viewed” to Bhaskaran in order increase the efficiency that a user can use the system, which is a goal of Bhaskaran (see column 1 lines 33-39)

As per claim 40, Bhaskaran teaches:

The system for supporting management of a collaborative activity set forth in claim 37 wherein:

Any of the model entities is capable of providing access to information concerning the collaborative activity (see column 6 lines 24-45; where access control for each of the entities is set such that the entities can access and provide information for their relevant role.).

As per claim 41, Bhaskaran teaches:

The system for supporting management of a collaborative activity set forth in claim 37 wherein the system further comprises:

Access control information accessible to the processor, the access control information controlling access by individual ones of the persons to individual ones of the model entities (see column 6 lines 24-45; where access control for each of the entities is set such that the entities can access and provide information for their relevant role.);

The operations which the graphical user interface performs for a given person on a given model entity are determined by the access control information for the given person and the given model entity (see column 6 lines 24-45; where access control for each of the entities is set such that the entities can access and provide information for their relevant role.); and

The operations which the graphical user interface will perform include controlling access to the model entity (see column 5 lines 50-67 and column 6 lines 1-45; where access to the model entity are set forth through the graphical user interface.).

As per claim 42, Bhaskaran teaches:

The system for supporting management of a collaborative activity set forth in claim 37 wherein:

The operations which the graphical user interface performs includes viewing model entities as ordered by a value in the information concerning the collaborative activity to which the model entities give access (see column 6 lines 24-45; where the graphical interface sets forth the entities order by value of the information. The example given describes the order from one end of a supply chain starting at a supplier all the way to the goal entity the distributor.).

As per claim 43, Bhaskaran teaches:

A data storage device, the data storage device being characterized in that:

The data storage device contains a program which, when executed in a computer system, implements the system set forth in claim 37 (see column 2 lines 57-67, column 3 lines 1-5, and column 5 lines 1-11; where all of the collaborative information can be stored on proprietary databases.)

(10) Response to Argument

Appellants argue:

1) Bhaskaran fails to teach a) a "representation of a model of the collaborative activity, the representation being accessible to a processor, the model of the collaborative activity including model entities", b) a "goal model entity type", an "initiative model entity type", and a "domain model entity serving to relate goal model entities across the model", c) model entities are organized into hierarchies, d) a "graphical user

interface which permits a person to perform operations on a model entity including...assigning the model entity to a parent hierarchy...and viewing model entities in a hierarchy of the hierarchies to which the model entities belong” and e) “access to entities in the supply chain”, as per claims 37, 4-10, 38, 39, 41, 42, and 43.

2) The data elements recited in claims 6-10 are not nonfunctional descriptive material.

3) Bhaskaran fails to teach “any of the model entities is capable of providing access to information concerning the collaborative activity”, as per claim 40.

4) Claim 43 is not an improper dependant claim.

1) **Bhaskaran explicitly teaches a) a “representation of a model of the collaborative activity, the representation being accessible to a processor, the model of the collaborative activity including model entities”, b) a “goal model entity type”, an “initiative model entity type”, and a “domain model entity serving to relate goal model entities across the model”, c) model entities are organized into hierarchies, d) a “graphical user interface which permits a person to perform operations on a model entity including...assigning the model entity to a parent hierarchy...and viewing model entities in a hierarchy of the hierarchies to which the model entities belong” and e) “access to entities in the supply chain”, as per claims 37, 4-10, 38, 39, 41, 42, and 43.**

a. Bhaskaran explicitly teaches a) a “representation of a model of the collaborative activity, the model of the collaborative activity including model entities” (see Bhaskaran column 3 lines 42-59, column 9 line 41-51, and figures 1 and 9; where a flow chart for performing a collaborative activity is disclosed. Figure 1 shows a model for the hierarchical relationship between role players and figure 9 shows the flow chart of the collaborative activity.). Although Bhaskaran suggests that a network of computers is being used (see figure 8; where the collaborative activity can be manipulated on a

window. The use of the window suggests the use of a computer, however the use of a computer or processor is not explicit), the model being accessible to a processor is admitted prior art (based on Examiner's taking of Official Notice) and thus the combination of these features would be obvious. Applicants further argue that there is nothing in Bhaskaran that suggests that the relationships disclosed in figure 1 are visible or manipulatable through Bhaskaran's GUI. Examiner submits that Appellants are viewing the Bhaskaran disclosure in a vacuum as the implementation of who the role players are is variable and Bhaskaran even discloses the manipulation of which role players will be granted access to the active documents (see Bhaskaran column 8 lines 5-10). Thus, Appellants argument that Bhaskaran fails to teach the visibility and manipulatability is without merit.

b. Bhaskaran explicitly teaches b) a "goal model entity type", an "initiative model entity type", and a "domain model entity serving to relate goal model entities across the model" (see column 3 lines 60-67, column 4 lines 14-29, and figures 1 and 5).

Specifically, Appellants argue that the terms goal entity type, the initiative model entity type, and domain model entity type as misinterpreted by the Examiner as per their definitions in both the claims and the specification. Examiner submits that Examiner's interpretation of these terms is consistent with the definitions and limitations of these terms in the claims. The goal entity type as defined in the claims is the goal of the collaborative activity. Examiner previously submitted and maintains that the distributors are the goal entity types, as distribution would be the goal of the collaborative activity in Bhaskaran's disclosed example. Initiative model entity type and domain model entity

type as defined in the claims relate goal model entity types across the model. Examiner previously submitted and maintains that the sub-assemblers and final assemblers represent these model types as the assembly of the products relates to the goal of distribution in the example provided by Bhaskaran. Appellants are further reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

c. Bhaskaran explicitly shows that model entities are organized into hierarchies (see figure 1). Appellants merely assert that figure 1 "cannot be taken as a disclosure of Applicants' claimed model entities or of the hierarchical relationship between them" without any explanation as to which Appellants are asserting this argument. Examiner maintains that figure 1 is an explicit disclosure of the model entity types organized into hierarchies and the relationship between each of the entities is explicitly disclosed.

d. Bhaskaran explicitly teaches a "graphical user interface which permits a person to perform operations on a model entity including...assigning the model entity to a parent hierarchy...and viewing model entities in a hierarchy of the hierarchies to which the model entities belong" (see Bhaskaran column 3 lines 60-67, column 4 lines 14-29, column 7 lines 42-67, column 8 lines 5-10, and figures 1 and 5). Appellants allege that the Bhaskaran collaborative activity flow requires that there are fixed role players in the hierarchy, however, there is no mention of a fixed set of entities in Bhaskaran. On the contrary, Bhaskaran explicitly teaches the manipulation of entities in the flow of the collaborative activity, which could be motivated by inclusion or exclusion of access

based on the sensitivity of information (see Bhaskaran column 8 lines 5-10). This explicitly teaches that entities can be included or excluded based on the need of the activity.

e. Bhaskaran explicitly teaches "access to entities in the supply chain", as per claim 41. Appellants argue that this feature cannot be taught by Bhaskaran as claim 37 is not taught. As such, Examiner directs Appellants to the discussion above regarding the rejection of claim 37 and further submits that Bhaskaran teaches "access to entities in the supply chain" (see Bhaskaran column 6 lines 24-36).

2) The data elements recited in claims 6-10 are not nonfunctional descriptive material.

Appellants submit that the data elements (identified as "further information") are integrated into the invention such that they functionally or structurally affect the invention. Appellants draw this conclusion merely based on "in the world of digital systems, documents, messages, alerts, reminders, and discussions behave differently and are generally handled by different software modules". This statement is confusing in that it appears to be a broad generalization that these items are different in the world of digital. Examiner interprets this statement to be nothing more than a broad allegation of patentability without any specific statement disclosing the functional relationship between each of the "further information" and the recited invention. Furthermore, Examiner asserts that no "different software modules" are even being claimed.

3) Bhaskaran fails to teach "any of the model entities is capable of providing access to information concerning the collaborative activity", as per claim 40.

Bhaskaran explicitly teaches "any of the model entities is capable of providing access to information concerning the collaborative activity" (see Bhaskaran column 3 lines 60-67, column 4 lines 14-29, column 6 lines 24-45, and figures 1 and 5). As discussed in Bhaskaran, each of the entities has responsibility in the collaborative activity and this is able to contribute information necessary for the success of the activity. Each entity may be limited to the amount of information it can access based on the access controls set forth by the model. Appellants are further arguing a connection between this limitation and the GUI claimed in claim 37, however, Examiner sees no language tying these features together. Even if such language was present, Examiner directs Appellants to the discussion of visible and manipulatable information in the GUI discussed above.

4) Claim 43 is an improper dependant claim.

Appellants argue that claim 43 is in full compliance with 35 U.S.C. 112, fourth paragraph. Examiner respectfully disagrees. Claim 43 recites a "data storage device" and depends from claim 37, which recites a "system". As such, claims 43 and 37 recite different statutory classes and Examiner deems this to be an invalid switch of statutory classes as it fails the infringement test set forth in MPEP 608.01(n). The infringement test determines whether the "data storage device" can be infringed upon without infringing on the "system" of independent claim 37. Examiner submits that one can possess a "data storage device" which contains the requisite program thereby infringing on claim 43, but would fail to infringe on claim 37 until the program is executed. Claim 43 merely requires a conditional execution of the program and as such claim 43 can be

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infringed upon without infringing on claim 37. Thus, claim 43 is an improper dependant claim.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



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